

thrombospondin; quinoline-3-carboxamide (linomide); analogues of diatamycin A; and aurintricarboxylic acid.--

Add new claims 75-77, as follows:

--75. (New) The method of claim 27, 30, 33, 36, 39, 46, 51, 54, 64, 66, 69, 72, or 74, wherein said area of skin is on a human.00

--76. (New) The method of claim 27, 29, 32, 35, 38, 41, 45, 50, 53, 63, 65, 68, 71, 74, 42, 46, 51, 54, 64, 66, 69, 72, or 74, wherein said area of skin is on the face or body of a human.--

--77. (New) The method of claim 27, 29, 32, 35, 38, 41, 45, 50, 53, 63, 65, 68, 71, 42, 46, 51, 54, 64, 66, 69, 72, or 74, wherein said area of skin is on a human and said hair growth comprises androgen-stimulated hair growth.--

REMARKS

A declaration of an inventor, Gurpreet Ahluwalia ("Ahluwalia Dec."), is enclosed.

Claims 1-29, 42, 43, 76 (as dependent from claim 42), and claim 77 (as dependent from claim 42) potentially literally cover using a composition containing mycophenolic acid in the claimed methods. Each of these claims requires applying the composition to the skin on a human; claims 27, 28, 29, 76 (as dependent from claim 42), and claim 77 (as dependent from claim 42) explicitly or implicitly require applying the composition to skin from which hair grows in response to androgen-stimulation.

The remaining claims do not literally cover using a composition containing mycophenolic acid in the claimed methods.

The Examiner rejected claims 1, 8, 21-29, 42, and 43 in the parent application in view of a non-prior art article (JP 07112923, "JP '923") that teaches using mecophenol acid (mycophenolic acid) to stimulate hair growth. Applicants tested mycophenolic acid and found that it reduced hair growth. The Examiner used the teachings of JP '923 to demonstrate, in his view, that the inventions covered by claims 1, 8, 21-29, 42, and 43 were not enabled, despite the 18 working examples in addition to mycophenolic acid provided by applicants in their specification.

The testing of mycophenolic acid conducted and reported in JP '923 involved a rabbit. But the rabbit has not been established in the art as an acceptable model for human hair growth modulation. See Ahluwalia Dec., ¶¶ 2 and 7.

The testing of mycophenolic acid conducted by applicants and reported in the specification used the Golden Syrian hamster. In contrast to the rabbit, the Golden Syrian hamster is one of the few animal models that has been established in the art as an acceptable model for human hair growth modulation. See Ahluwalia Dec., ¶¶ 2 and 4.

Accordingly, the testing of mycophenolic acid (and the other suppressors of angiogenesis) conducted by applicants establishes that suppressors of angiogenesis generally (claim 1), including inhibitors of mast cell granulation (claim 42), can be used to reduce hair growth in humans. The testing of mycophenolic acid as reported by JP '923 is not credible evidence to the contrary because the rabbit has not been established as an

acceptable model for human hair growth modulation. As a result, the specification satisfies the requirements of 35 U.S.C. § 112, ¶ 1 with respect to claims 1, 8, 21-29, 42, and 43.

Independent claims 27, 30, 33, 36, 39, 46, 51, 54, 64, 66, 69, 72, and 74, and claims dependent from them, do not literally cover using mycophenolic acid. Thus, the testing reported in JP '923 is not relevant to these claims.

There also is a distinction between the hair growth, examined by applicants, in the Golden Syrian hamster and the rabbit hair growth studied in JP '923. Hair that grows from the flank organ of Golden Syrian hamsters is androgen-stimulated, whereas rabbit hair is not androgen-stimulated. See Ahluwalia Dec., ¶¶ 4 and 6. Although applicants expect suppressors of angiogenesis to reduce androgen-stimulated hair growth as well as hair growth that is not androgen-stimulated (see Ahluwalia Dec., ¶ 4), applicants note that claims 27-29, which depend from claim 1 and claims 76 and 77, which depend from all of the independent claims, expressly or implicitly require applying the composition to skin from which hair grows in response to androgen-stimulation.

Applicants submit that the claims are in condition for which, and such action is requested.

The number of pending claims were miscalculated in the File Wrapper Continuation application filed on November 3, 1997. As a result, the filing fee was substantially more than was included (by check) with the application. Although the Patent and Trademark Office was authorized to charge Deposit Account No.


06-1050, it does not appear that the Deposit Account was charged the additional fees. A check to cover the difference, including the fee for the additional claims added by this amendment, is enclosed.

Please charge any additional fees, or make any credits, to Deposit Account No. 06-1050.

Respectfully submitted,

Date:

3/26/98


Robert C. Nabinger
Reg. No. 33,431

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804

Telephone: 617/542-5070
Facsimile: 617/542-8906
284523.B11